

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:08cv15
(3:04cr223)

RODNEY GREEN,)
)
Petitioner,)
)
v.) O R D E R
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

THIS MATTER is before this Court upon the dismissal of Petitioner's Motion to Vacate, Set Aside, or Remand Sentence under 28 U.S.C. § 2255. (Doc. No. 8: Order).

IT IS ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this Court declines to issue a certificate of appealability as Petitioner has not has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484-85 (2000) (in order to satisfy § 2253(c) when court denies relief on procedural grounds, a petitioner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right).

Signed: January 26, 2011



Robert J. Conrad, Jr.
Chief United States District Judge
